



# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>  
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324  
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis  
Governor

March 29, 2001

*CERTIFIED MAIL – RETURN RECEIPT REQUESTED*  
Z 390 538 453

Mr. Robert Ferrier, Deputy Environmental Services Director  
City of San Diego, Environmental Services Department  
9601 Ridgehaven Court  
San Diego, CA 92123-1636

Dear Mr. Ferrier:

**RE: NOTICE OF VIOLATION NO. 2001-73, WEST MIRAMAR LANDFILL,  
CITY OF SAN DIEGO, ORDER NO. 87-54**

Attached is a Notice of Violation regarding the subject facility. In order to avoid possible future enforcement, I strongly urge a prompt response in order to rectify the conditions identified in the Notice of Violation. My staff will be happy to work with you in your efforts toward achieving compliance.

If you have any questions regarding this matter, please call Craig Carlisle at (858) 637-7119 or John Odermatt at (858) 637-5595.

Sincerely,

DAVID T. BARKER  
Supervising Engineer  
Water Resources Protection Branch

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Attachment: Notice of Violation No. 2001-73

***California Environmental Protection Agency***

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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March 29, 2001

File No. 06-0314

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

NOTICE OF VIOLATION NO. 2001-73  
FOR  
CITY OF SAN DIEGO  
WEST MIRAMAR LANDFILL  
SAN DIEGO COUNTY

Mr. Robert Ferrier, Deputy Environmental Services Director  
City of San Diego, Environmental Services Department  
9601 Ridgehaven Court  
San Diego, CA 92123-1636

**YOU ARE HEREBY NOTIFIED THAT:**

On December 15, 1999, March 3, 2000, and March 6, 2001 California Regional Water Quality Control Board, San Diego Region ("Regional Board") conducted compliance inspections at the West Miramar Landfill. During the inspections, the Regional Board noted erosion of largely exposed and unvegetated soil surfaces and discharge of sediment to surface waters in vicinity of the Phase II area of West Miramar Landfill. In letters dated December 23, 1999, and April 5, 2000 the Regional Board identified our concerns regarding inadequate erosion and sediment controls. The City of San Diego has failed to implement effective erosion and sediment controls for the exposed soils in the Phase II area of the West Miramar Landfill.

**Summary of Violations:**

**FAILURE TO PREVENT ILLEGAL DISCHARGES / IMPLEMENT ADEQUATE BMPs**

The City of San Diego Environmental Services Division has failed to prevent discharges of sediment to waters of the United States (San Clemente Canyon Creek) through the implementation of appropriate/adequate Best Management Practices (BMPs).

On March 6, 2001, after a rain event, Regional Board staff observed and documented the effects from the failure of BMPs to prevent erosion and discharge of sediment into San Clemente Canyon Creek. Evidence of sediment discharge and inadequate BMPs were observed as follows:

- A) Most graded slopes and areas with Phase II Modules C, D, and E were without any erosion control protection.
- B) Silt fences were displaced and flattened, indicating that BMPs were not adequately maintained or their design capacity was insufficient, or both.
- C) Surface water discharges from the western-most Phase II sedimentation basin were laden with fine-grained sediment. Fine-grained sediment was deposited along the creek bed downstream from the sedimentation basin.

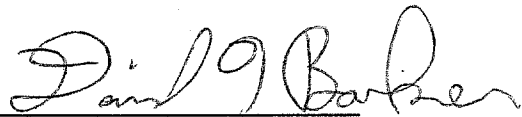
The conditions cited above are violations of discharge prohibitions identified in: a) the Water Quality Control Plan for the San Diego Basin (9) ["Basin Plan"]; b) State Water Resources Control Board Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000001: ("*Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*"), c) existing waste discharge requirements for the "*West Miramar Solid Waste Disposal Facility, San Diego County*" Order No. 87-54; and d) the California Water Code.

The violations cited above are serious and may result in a civil liability being administratively implemented by the Regional Board under authority of Sections 13350 and 13385 of the California Water Code (CWC). The CWC provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board may be subject to administrative civil liability up to \$1,000 dollars per day of the violation. The Superior Court may impose civil liability of up to \$15,000 dollars per day of the violation.

Copies of the photographs taken during the March 6, 2001 inspection are enclosed for your reference. Questions pertaining to the issuance of this Notice of Violation should be directed to Mr. Craig L. Carlisle at (858) 637-7119. Written correspondence pertaining to this Notice of Violation should be directed to the following:

California Regional Water Quality Control Board  
San Diego Region  
9771 Clairemont Mesa Boulevard, Suite A  
San Diego, California 92124  
Attn: Mr. John Odermatt

Ordered by:



DAVID T. BARKER  
Supervising Engineer  
Water Resources Protection Branch

Date: March 29, 2001

DTB:jro:clc

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Enclosure: Site Inspection Photographs

cc: Mr. John Odermatt, RWQCB Water Resources Protection Branch – Land Discharge Unit  
Mr. John Phillips, RWQCB Watershed Branch – Industrial Compliance Unit  
Mr. Mark Alpert, RWQCB Watershed Branch – Compliance Assurance Unit